

DUTY REQUIREMENTS

2.01 PURPOSE

The purpose of this regulation is to establish policy and guidelines regarding duty requirements for the conduct of members.

2.02 PERFORMANCE OF DUTY

Members shall conscientiously strive to enforce the laws of the Commonwealth and render service to all citizens and visitors within the Commonwealth. Members shall also be held responsible for the proper performance of all duties assigned to them; the appropriate use of delegated authority; and strict adherence to the rules, regulations, and directives promulgated by the Department. Ignorance of the rules, regulations, and directives shall not be considered an excuse or justification for any violation of such by a member. Members shall be responsible for their acts and shall not attempt to shift the burden of responsibility for executing or failing to execute a lawful order or police duty. Supervisors shall ensure members are given commensurate authority necessary for the effective performance of duty.

2.03 LAWFUL ORDERS

Members shall promptly obey and execute any and all lawful orders of a supervisor. This shall include orders relayed from a supervisor by a member of the same or lesser rank. A lawful order is any order, in keeping with the performance of any duty, issued either verbally or written over the signature of the Commissioner, any Deputy Commissioner, Area/Troop Commander, Bureau/Office/Division Director, or any other supervisor prescribed by the various rules, regulations, and directives of the Department, and necessary for the preservation of good order, efficiency, and proper discipline of the Department and its members.

2.04 CONFLICTING ORDERS

Members who are given an order that is in conflict with a previous order or regulation shall respectfully call attention to such conflict. If the supervisor giving the order does not alter or retract the conflicting order, then the order shall stand and, under those circumstances, be the

responsibility of the supervisor. In such situations, the member obeying the conflicting order shall not be held responsible for disobedience of any order issued. When an order contrary to the provisions of any previous order, rule, regulation, or directive is given to a member, the member shall comply with the order unless it is a violation of the law, and thereafter submit Department Correspondence, Form SP 3-201, through channels, to the Commissioner, stating the facts and circumstances.

2.05 COMPETENCY

- A. Competency to be Maintained: Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. They shall direct and coordinate their efforts in such a manner as will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. The fact that a member was deemed competent at the time of employment shall not preclude a later judgment of incompetency arising from their performance which would indicate a deficiency in adequate strength, qualifications, or capacity to fulfill the requirements of their assigned tasks. Such incompetency may be demonstrated by lack of knowledge or application of laws required to be enforced, apparent unwillingness or inability to perform assigned tasks, or the failure to conform to work standards established for the member's rank or position.
- B. Record of Incompetency: In addition to other methods of proof, a written record of repeated disciplinary actions for infractions of the rules, regulations, or directives shall be considered prima facie evidence of incompetency.

2.06 RESTRICTIONS

- A. On-Duty Time Restricted to Police Work: Members shall restrict their police duties during working hours to their assigned duty area, unless otherwise directed. Members, while in uniform or on duty, shall not perform any police duty for the purpose of private gain, make any purchases other than meals, conduct personal business, or devote any of their time to any activity other than that which relates to police work.
- B. Carrying of Unauthorized Articles: Members shall not carry books, magazines, newspapers, electronic entertainment

devices (e.g., portable DVD players), packages, bundles, etc., while on duty, except when necessary in the performance of their duties.

- C. Use of Portable Media Devices and Reading on Duty: Members shall not use portable DVD players or portable media players (e.g., MP3 Players, iPods) with headphones, and shall not read books, magazines, newspapers, or other printed material while on duty, except as required in the performance of their duties.

EXCEPTION: Portable media players (e.g., MP3 Players, iPods) may be used if played through the patrol vehicle's AM/FM radio. Portable media players shall not be plugged directly into the mobile office.

2.07 SUSPENSION

- A. Surrender of Equipment: Suspended members shall immediately surrender their badge, identification card, issued firearms, and any other specified equipment to their Troop Commander or Bureau/Office Director, or designee.
- B. Prohibited Action: Suspended members are not permitted to wear any part of the uniform or act in the capacity of, or represent themselves as, a member of the Pennsylvania State Police (PSP) in any manner.

2.08 SUBMITTING TO MEDICAL OR MENTAL HEALTH EXAMINATIONS OR TESTS

- A. Whenever a Troop Commander or Bureau/Office Director has reasonable grounds to believe a member under their command is being influenced by a medical or mental health condition, including, but not limited to, the use of an intoxicant which has affected or is likely to affect the member's ability to perform assigned duties, the Troop Commander or Bureau/Office Director shall contact the Human Resource Manager, Public Safety Human Resource Delivery Center, or designee. The Human Resource Manager, Public Safety Human Resource Delivery Center, or designee, in consultation with the Deputy Commissioner of Administration and Professional Responsibility and the State Police Medical Officer (SPMO) and/or the State Police Psychologist (SPP), shall make a determination if a fitness-for-duty assessment is required. The member may be

directed to undergo reasonable tests or examinations to determine fitness for duty. Any such test(s) or examination(s) shall be conducted at the expense of the Department.

- B. Members who have suffered an injury, illness, or any other condition incurred in the line of duty, which could affect their ability to perform assigned duties, may be required by the Deputy Commissioner of Administration and Professional Responsibility to undergo reasonable tests or examinations at the expense of the Department to determine their fitness for duty.
- C. Members who have suffered an injury, illness, or any other debilitating condition not incurred in the line of duty, which could affect their ability to perform required assigned duties, may be required by the Deputy Commissioner of Administration and Professional Responsibility to obtain and submit a report from their physician concerning their physical or mental condition. The report shall include a detailed diagnosis and prognosis of the injury, illness, or condition, along with any other pertinent information which would aid the SPMO and/or the SPP in evaluating the situation prior to the member's return to active-duty status or allow for further evaluation.
- D. When any of the above conditions exist, Troop Commanders or Bureau/Office Directors may place members on medically limited duty, pending evaluation and clearance to return to full duty by the SPMO and/or the SPP.
- E. Involuntary Mental Health Examinations/Treatments:
 - 1. Members who have been subjected to an involuntary mental health examination and/or treatment shall immediately notify their Troop Commander or Bureau/Office Director, by the most expedient means available, when discharged from the examination and/or treatment facility.
 - 2. Troop Commanders and Bureau/Office Directors receiving notification that a member has been subjected to an involuntary mental health examination and/or treatment shall notify the Deputy Commissioner of Administration and Professional Responsibility as expeditiously as possible and shall place the member on medically limited duty, pending the outcome of a fitness-for-duty assessment.

2.09 SUBMITTING TO POLYGRAPH EXAMINATIONS

When ordered by the Commissioner, members shall submit to a polygraph examination when such an examination is relevant to a particular internal administrative investigation or inquiry. Only questions relevant to the internal administrative investigation or inquiry shall be asked.

2.10 DUTY REQUIREMENTS

- A. Reporting for Duty: Members shall report for duty at the time and place specified by their supervisor and, at that time, shall be physically and mentally fit, properly attired, and ready to assume on-duty status. Members not appearing for duty, scheduled hearings, court appearances, or other designated assignments on time shall be in violation of this section.
- B. Conditions of Absence: Members shall not fail to report for duty due to illegal or improper conduct.

2.11 ABSENCES

- A. Notification of Illness or Injury (Off Duty): Members who know they will be unable to report for duty due to illness or injury they incurred while off duty shall immediately notify their supervisor (or ensure such notification) of the nature of the injury or illness, where they will be recuperating, and the expected date of return to duty. Supervisors shall also be advised of any changes in the above which may occur after the original notification was given.
- B. Notification of Illness or Injury (On Duty): Members injured while on duty shall report such injury to their immediate supervisor as soon as possible and comply with the provisions of existing regulations pertaining to such injuries. Members who become ill while on duty and find it necessary to leave an assigned post or duty shall report this to their supervisor before leaving the assigned post or duty.
- C. Fictitious Reports—Deception: Members shall not feign illness or injury, or otherwise deceive or attempt to deceive any Commonwealth official or Department representative as to the facts pertaining to any illness or injury.

- D. Contagious Diseases: Members who have been exposed to an uncommon, contagious disease shall immediately notify their Troop Commander or Bureau/Office Director, through channels, via Department Correspondence. Troop Commanders and Bureau/Office Directors shall make a record of same and take whatever steps are necessary to safeguard exposed members and other personnel from uncommon, contagious diseases.

2.12 COURTESY

- A. Military Courtesy: Members shall be familiar with and practice proper military courtesy in accordance with the provisions of FR 1-3, Pennsylvania State Police Courtesy.
- B. Conduct and Demeanor: Courtesy toward the public shall be strictly observed. The conduct and deportment of members shall always be civil, orderly, and courteous. Members shall be diplomatic and tactful in the performance of their duties, controlling their temper, and exercising the utmost patience and discretion. Members shall not engage in argumentative discussions even in the face of extreme provocation. However, when required, they must act with firmness and sufficient energy to properly perform their duties. Members shall at all times, while on duty or in uniform, refrain from using coarse, violent, profane, or insolent language, and from voicing any bias or prejudice concerning race, religion, national origin, sex, age, handicap, or politics.
- C. Addressing the Public: While on duty in any capacity, members shall at all times address the general public, defendants, and all other persons by their surname and not by first name (e.g., Mr. Smith, Mrs. Jones; not Jim or Mary). Professionals shall be addressed by their titles.

2.13 COOPERATION WITH OTHER AGENCIES

Members shall cooperate with all agencies engaged in the administration of justice, federal and state departments, and other public agencies providing all the aid and information permitted by existing regulations.

2.14 REQUESTS FOR ASSISTANCE

When the public requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and shall be properly and judiciously acted upon consistent with existing rules, regulations, and policies. The requesting person shall not be referred to another agency in matters necessitating police action. Instead, all information shall be made available to the agency or department having jurisdiction in accordance with existing regulations. In cases of emergency, it may be necessary to provide immediate police service and then notify the proper authority.

2.15 SUGGESTIONS PERTAINING TO SERVICES

Except in the transaction of personal business, members shall not recommend or suggest, in any manner, the employment or procurement of a particular product, professional service, or commercial service (e.g., an attorney, ambulance service, towing service, bondsman, mortician). In the case of ambulance service, when such service is necessary, and the person needing the service is unable or unwilling to procure same, members shall contact the nearest available entity offering the required service. **Towing services shall be contacted and requested in accordance with FR 6-2, Emergency Towing and Highway Assistance.**

2.16 PUBLIC OBSERVATION/RECORDING OF POLICE OFFICERS

- A. Members shall not prevent or prohibit any person from observing, photographing, or recording a police officer(s) in the performance of their duties in any place that the police officer(s) does not have a reasonable expectation of privacy, unless the member reasonably believes that the person observing, photographing, or recording the police officer(s) is located in a place where they have no right to be, interferes with the member's safety or the safety of another person, or will compromise the outcome of a legitimate police action or rescue effort.
- B. If the person observing, photographing, or recording a police officer(s) is located in a place where they have no right to be, interferes with the member's safety or the safety of another person, or will compromise the outcome of a legitimate police action or rescue effort, the member shall:

1. Inform the person of the issue and provide them with an alternative location to observe, photograph, or record the conduct of the police officer(s), in lieu of prohibiting the person from observing, photographing, or recording the police officer(s).
2. If there is no alternative location that will mitigate the circumstances described in subparagraph 2.16B., and the only means to correct the issue is to prohibit the person from observing, photographing, or recording the police officer(s), the member shall inform the person of the issue, and the member is justified in preventing the person from observing, photographing, or recording the police officer(s). In such cases, the member shall document their actions and the circumstances justifying their decision in the corresponding investigative report(s) and shall notify their immediate supervisor as soon as practicable.

2.17 ACCEPTANCE OF VALUABLES AND EVIDENCE

Acting in official capacity, members shall not accept valuables for safekeeping from individuals who merely desire to check them for that purpose. This does not apply to valuables which have been received as evidence in connection with investigations. Items received in these cases will be processed as evidence in accordance with established procedures pertaining to evidence.

2.18 REPORTS

Members shall submit all necessary reports on time and in accordance with existing regulations. Reports shall be truthful, and no member shall knowingly enter or cause to be entered any inaccurate, false, or improper information or date, or misrepresent the facts in any record or report.

2.19 ALTERING NOTICES

Except where dictated by established procedure, or where initials or names are required, members shall not mar, alter, or deface any printed or written notices placed on the bulletin board or otherwise brought to their attention.

2.20 USE OF INTOXICANTS—ON DUTY

Members shall not report for duty while under the influence of intoxicants. Members shall not consume intoxicants while on duty, unless it is necessary to properly perform assigned functions as directed by their supervisor. Members authorized to consume intoxicants while on duty shall not consume to the extent they would be in violation of the laws of this Commonwealth and/or be impaired to the extent they could not perform their duties.

2.21 SUBJECT TO CALL

Members shall have regularly scheduled hours assigned for active duty, and when not so employed shall be considered off duty. Members shall, however, be subject to being called to duty, as needed, and subject to orders from competent authority and emergency calls from citizens.

2.22 CHEATING ON EXAMINATIONS

Members shall not in any manner cheat on, or tamper with, an official examination conducted or sponsored by the Department by obtaining, furnishing, accepting; or attempting to obtain, furnish, or accept answers or questions to such examinations. Furthermore, members shall not copy, photograph, or otherwise remove examination contents; nor shall they use any misrepresentation or dishonest method while preparing, administering, or participating in such examinations.

2.23 PROTECTION OF EVIDENCE OR FOUND OR RECOVERED PROPERTY

- A. A member shall not, under any circumstances, manufacture, destroy, improperly remove from an incident scene, or convert to their own use, any evidence or other material found or recovered in connection with the investigation of an incident.
- B. Members shall expeditiously transfer to their Custodial Officer or Receiving Officer all evidence or found or recovered property coming into their possession as a result of any incident.

EXCEPTION: When found property comes into the possession of a member, and the property is returned to its owner or their authorized agent prior to the end of the member's assigned shift in

accordance with AR 3-3, Storage and Security of Property, the property does not need to be transferred to the Custodial Officer or Receiving Officer for storage.

2.24 USE OF DEPARTMENT VEHICLES

Members shall not use Department vehicles for personal business or for any other reason except as authorized. Out-of-state travel shall be permitted only in accordance with existing regulations. Members shall not use their personal vehicle for official business unless specifically authorized to do so by their Troop Commander or Bureau/Office Director. Commonwealth insurance for authorized use of personal vehicles for official business extends only to personal liability.

2.25 USE OF EQUIPMENT AND PROPERTY

- A. Policy: Management Directives prohibit the use of Commonwealth facilities, offices, and property for activities which are not specifically connected with the official business of the Commonwealth. Requests for determinations on official business status due to unusual circumstances (e.g., Crime Stoppers, Camp Cadet, Gifts for Kids) shall be directed via Department Correspondence to the Deputy Commissioner of Staff. Troop Commander and Bureau/Office Director endorsements shall state whether the requested activity may be considered Commonwealth business.
- B. Equipment: Members shall utilize Department equipment in the prescribed manner and in accordance with existing regulations and directives.
- C. Property: Whether on duty or off duty, members shall not utilize Department resources to conduct private profit or nonprofit business activities including, but not limited to, sales, negotiations, the taking of orders, or displaying of wares.

2.26 LOITERING

While on duty, members may enter or frequent a public place only for the purpose of transacting police business or to consume regular meals.

2.27 MEALS

Members on continuous duty for a period of eight hours or more shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of consuming one meal during their tour of duty within their assigned patrol zone, but only for such period of time as is reasonable or necessary, and not to exceed 30 minutes. Members shall contact and advise their Station of the location of the stop in order to provide for emergency communication, if necessary.

2.28 ENTERING LIQUOR ESTABLISHMENTS

When in uniform, members shall not enter any place in which intoxicating beverages are furnished or sold, except when acting in an official capacity. The provisions of this regulation do not apply to uniformed members who enter a restaurant or other food establishment which serves intoxicating beverages incidental to food services for the purpose of consuming a meal during their tour of duty.

2.29 ENTERING MEDICAL MARIJUANA DISPENSARY OR PRODUCTION FACILITY

When on duty, members shall not enter any place where medical marijuana, as defined by Act 16 of 2016, the Medical Marijuana Act, is grown/processed, produced, dispensed, furnished, or sold, except when acting in an official capacity.

2.30 USE OF TOBACCO

- A. Out of Uniform: Members on duty, but not in uniform, are permitted to smoke or chew tobacco, except at those times when it would interfere with the proper and courteous discharge of their duties.
- B. In Uniform: Members in uniform may smoke or chew tobacco as long as they:
 - 1. Are not in contact with the public.
 - 2. Are not in a formation or at an official function.

3. Do not have to leave their assignment or post for the sole purpose of smoking or chewing. Members may receive permission to leave their assigned post or duty to smoke when conditions are deemed appropriate by their supervisor.

2.31 POLICE ACTION—OFF DUTY

Members have the authority and responsibility to take necessary police action with regard to all serious police matters brought to their attention while off duty. Therefore, although certain hours are designated as active duty (on duty) and others inactive duty (off duty), members must be cognizant of their sworn duty and shall take the appropriate police action when required. Members shall immediately thereafter report, via Department Correspondence, such action taken to their Troop Commander or Bureau/Office Director. Such correspondence shall be maintained in the Troop or Bureau/Office personnel file as temporary information in accordance with AR 4-8, Personnel Information.

2.32 PROVIDING FALSE INFORMATION

Members shall not knowingly provide false information concerning matters that can be related to their duties as a member of the PSP, either verbally or in writing.

2.33 COMMAND/SUPERVISORY RESPONSIBILITY

- A. Commanders/supervisors are responsible for setting a tone and example of acceptable conduct for subordinate personnel. Acts of misconduct committed by Commanders/supervisors shall generally be viewed as more serious than if subordinate personnel had committed the same misconduct.
- B. Commanders/supervisors bear a particular responsibility as it relates to the conduct of subordinate personnel. If a Commander/supervisor has knowledge of misconduct on the part of subordinate personnel and fails to act, that Commander/supervisor shall be held accountable. Nothing herein shall be construed to absolve personnel of their responsibility for acts of misconduct they may commit.
- C. Whenever allegations of any act of discrimination, discriminatory harassment, and/or sexual impropriety, including sexual

harassment, sexual misconduct, or retaliation are made against a member, supervisors within the chain of command of the member alleged to have committed discrimination, discriminatory harassment, and/or sexual impropriety, including sexual harassment, sexual misconduct, or retaliation are not permitted to conduct any independent investigation into the allegations against the member. An independent investigation is any investigation outside the auspices of the Internal Affairs Division, Bureau of Integrity and Professional Standards, or the Equality and Inclusion Office. Any such independent investigation is beyond the authority of a supervisor and, as such, shall not prevent the Department from investigating the allegations of discrimination, discriminatory harassment, and/or sexual impropriety, including sexual harassment, sexual misconduct, or retaliation made against a member and, if appropriate, initiating disciplinary action against a member found to have committed that misconduct. Supervisors who become involved in such an independent investigation are subject to disciplinary action as prescribed by Department regulations and collective bargaining agreements.